IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.3428 OF 2006

Joseph Paul .. Applicant

Versus

The State of Maharashtra .. Respondent

Mr.Subhash Jha i/b. A.K.Dubey for applicant

Ms.M.M.Deshmukh, A.P.P. for State.

CORAM : S.C.DHARMADHIKARI, J.

DATE : 4th October 2006.

P.C.

. This criminal application for anticipatory bail is filed against an order passed by the trial court rejecting an application for anticipatory bail filed by

the applicant herein. Although, it was pointed out that three persons who are co-accused in the same incident and against whom identical offences are alleged, have been granted pre-arrest bail, the trial court rejected the said application.

2. Submission of Mr.Jha is that all materials including others pointed out to this Court now on affidavit and further affidavit were not before the trial court and the application was argued only on the basis that the applicant was not present at the site on relevant date. He, therefore, seeks continuation of the protection granted by this Court to enable him to file fresh application.

3. Considering the voluminious material placed before me by the applicant as also complainant, it would be appropriate to protect the applicant by extending ad-interim order for ten days and granting him liberty to apply for

anticipatory bail afresh, which application shall be considered by the trial court on its own merits and in accordance with law and in the light of the materials produced before it.

4. The Sessions Court to pass appropriate order uninfluenced by the earlier findings and the order passed on the anticipatory bail application of the applicant. Application disposed of.

(S.C.Dharmadhikari, J)